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09/765,778	01/19/2001	Anthony A. Mowers	11283/23	9808

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KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
KENDALL, CHUCK O	
ART UNIT	**PAPER NUMBER**
2192	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/765,778	MOWERS ET AL.	
	Examiner	Art Unit	
	Chuck Kendall	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. This action is in response to the application filed 03/02/05.

2. Claims 1 – 55 have are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 – 44, & 47 – 55 are rejected under 35 U.S.C. 101 because the claimed involves no more than a manipulation of an abstract idea and therefore, is nonstatutory under 35 U.S.C. § 101. In *Warmerdam* the abstract idea of a data structure became capable of producing a useful result when it was fixed in a tangible medium, which enabled its functionality to be realized

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 – 5, 13 – 18, 26 – 28, 35 – 38, 45 & 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Lubkin et al. USPN 5,339,435.

Regarding claim 1, Lubkin anticipates a method, comprising:

(1) determining a set of present components assigned to a domain, each of the set of present components includes a set of modules for determining components assigned to a domain (10: 65 – 67, also see11: 20 – 25, see pool 35, which contains);

(2) determining a set of symbols imported by the set of modules assigned to the domain (11:51 – 54, see required-to-be built components, also see 12:27 – 37);

(3) determining zero or more needed components to which the domain does not have access and at least one of provides the set of symbols imported by the set of modules, and specified as required by the set of present components (13:44 – 54, see not authorized and inaccessible); and;

(4) adding the zero or more needed components into the domain(13: 50 – 54, see new builder model component).

Regarding claim 2, the method of claim 1, wherein determining the zero or more needed components includes determining zero or more non-resident needed components which are the zero or more needed components that cannot reside in the domain (12:20 – 35), as specified by a user of a configuration tool (see HCM software tool), and determining zero or more resident needed components which are the zero or more needed components that can reside in the domain, as specified by the user (12:24 – 26, see builder list file in the current working directory).

Regarding claim 3, the method of claim 1, wherein the domain has access only to the set of present components assigned to the domain (13:40 – 48).

Regarding claim 4, the method of claim 2, wherein adding the zero or more needed components into the domain includes displaying the zero or more resident needed components to a user of a project facility and allowing the user to add the zero or more needed components into the domain (13:53 – 60, for display see helper node 15b, and command node 15a, also refer to FIG. 1, which shows monitor and mouse which represents the nodes which Examiner believes would inherently show displaying).

Regarding claim 5, the method of claim 2, further comprising displaying the zero or more non-resident needed components to a user of a project facility (13:53 – 55, see foreign builder and helper node 15b).

Regarding claim 13, which is the system version of claim 1, see rationale as previously discussed above.

Regarding claim 14, the system of claim 13, further comprising a configuration tool, coupled to the project analysis utility, at least one of creates the domain, assigns the set of present components to the domain, and specifies whether a particular one of the set of components may reside in the domain (11:21 – 23, see heterogeneous configuration management i.e., HCM 17 software tool).

Regarding claim 15, the system of claim 13, wherein the project analysis utility determines zero or more non-resident needed components which are the zero or more needed components that cannot reside in the domain, as specified by a user of the configuration tool, and determines zero or more resident needed components which are the zero or more needed components that can reside in the domain, as specified by the user (13:40 – 60).

Regarding claim 16, which is the system version of claim 3, see rationale as previously discussed above.

Regarding claim 17, which is the system version of claim 4, see rationale as previously discussed above.

Regarding claim 18, which is the system version of claim 5, see rationale as previously discussed above.

Regarding claim 26, Lubkin anticipates a method, comprising:

(1) determining a set of present components assigned to a domain (10: 65 – 67, also see11: 20 – 25, see pool 35, which contains);

(2) determining zero or more precious components specified by a user of a configuration tool as not removable from the domain, each of the zero or more precious components includes a set of modules (11:25 – 27, for not removable see components requiring building and builds that are necessary);

(3) determining a set of symbols imported by the set of modules in each of the zero or more precious components (11:51 – 54, see required-to-be built components);

(4) determining zero or more needed components to which the domain does not have access and at least one of provides the set of symbols imported by the set of modules, and specified as required by the zero or more precious components (13:44 – 54, see not authorized and inaccessible); and;

(5) if one or more of the zero or more needed components is found in the set of present components, then moving the one or more of the set of present components into the zero or more precious components (13: 8 – 10, for moving see adding designations); and

(6) removing the set of present components from the domain (13: 8 – 10, see added or removed).

Regarding claim 27, the method of claim 26, wherein the domain has access only to the set of present components assigned to the domain (see 9: 1 – 5, for access).

Regarding claim 28, the method of claim 27, wherein removing the set of present components from the domain includes displaying the set of present components to a user of a project facility and allowing the user to remove the set of present components from the domain (13: 8 – 10, see added or removed, also see lines 14 – 15, for Helper node 15b, and as depicted in FIG. 1, shows a display and mouse, Examiner believes displaying to therefore be inherent).

Regarding claim 35, which is the system version of claim 26, see rationale as previously discussed above.

Regarding claim 36, which is the system version of claim 4, see rationale as previously discussed above.

Regarding claim 37, which is the system version of claim 27, see rationale as previously discussed above.

Regarding claim 38, which is the system version of claim 28, see rationale as previously discussed above.

Regarding claim 45, which is the device version of claim 1, see rationale as previously discussed above.

Regarding claim 46, which is the device version of claim 26, see rationale as previously discussed above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 6 – 12, 19 – 25, 29 – 34 & 39 – 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubkin USPN 5,953,532 as applied in claim 2, in view of Yamasaki USPN 5,528,757.

Regarding claims 6 & 29, Lubkin discloses all the claimed limitations as applied in claim 2 above. Lubkin does not expressly disclose wherein the domain is part of a set of domains and a domain link path connects the set of domains between a highest hierarchical level of the domain link path and a lowest hierarchical level. Lubkin does disclose, "each of the foreign computers is mounted to the Apollo computer 15a at the // level... Mounted in this manner each foreign computer is able to access objects on another computer through the Apollo computer" (19:25 – 27). However, Yamasaki does disclose this feature in an analogous art (FIG. 2, see associated text Col.5: 15 - 37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lubkin and Yamasaki because, it would enable computers within a particular level or hierarchy to access information.

Regarding claim 7 & 30, Yamasaki further discloses the method of claim 6, wherein a kernel domain is at the lowest hierarchical level of the domain link path and application domains are at the highest hierarchical level of the domain link path (Yamasaki, See FIG. 4, for APPLICATION LAYER (*application domain*), and PHYSICAL LAYER (kernel domain), see associated text Col.6: 15 – 20). It would have been obvious to one of ordinary skill in the art to modify Lubkin with Yamasaki to

implement the instant claimed invention because, it would enable computers within a particular level or hierarchy to access information.

Regarding claim 8 & 31, the method of claim 7, wherein the particular one of the set of domains does not have access to a set of components not assigned to the particular one of the set of domains, and that provides the set of symbols imported by the set of modules but the particular one of the set of domains is not given entry points to those symbols by the set of domains at lower hierarchical levels in the domain link path (Lubkin,13:40 – 60) and that are not in at least one of the zero or more resident needed components, and the zero or more non-resident needed components of any one of the set of domains at lower hierarchical levels in the domain link path, if such levels exist (Lubkin,13:40 – 60).

Regarding claim 9, the method of claim 8, wherein for each of the set of domains in the domain link path, starting at the lowest hierarchical level of the domain link path and traversing to the highest hierarchical level, performing steps (1) to (3) of claim 1 for each of the set of domains (Yamasaki, FIG. 6).

Regarding claim 10, the method of claim 9, further comprising, for each of the set of domains in the domain link path and starting at the highest hierarchical level of that domain link path and traversing to the lowest hierarchical level, (For traversing refer to hierarchy, and communication links in Yamasaki) determining the set of symbols imported by the zero or more resident needed components of that domain and determining zero or more second pass needed components that at least one of provides the set of symbols imported by the zero or more resident needed components and to which this domain does not have access, and specified by the component description file as required by the zero or more resident needed components (Lubkin,13:40 – 60).

inserting the zero or more second pass needed components that can reside in this domain into the zero or more resident needed components for that domain, and for each of the zero or more second pass needed components that cannot reside in this domain (Lubkin,13: 8 – 10, see added or removed);

traversing down the domain link path to the lowest hierarchical level until the particular one of the zero or more second pass needed components can reside in a particular one of the set of domains in the domain link path and then inserting the particular one of the zero or more second pass needed components into the particular one of the set of domains, otherwise, if the particular one of the zero or more second pass needed components cannot reside in any of the domains of the domain link path, then inserting the particular one of the zero or more second pass needed components into zero or more error components (Lubkin, 13: 8 – 10, see added or removed).

Regarding claim 11, the method of claim 10, wherein adding the zero or more needed components includes displaying the zero or more resident needed components of a particular one of the set of domains to a user of a project facility and allowing the user to add the zero or more resident needed components into that (Lubkin,13:53 – 60, for display see helper node 15b, and command node 15a, also refer to FIG. 1, which shows monitor and mouse which represents the nodes which Examiner believes would inherently show displaying).

Regarding claim 12, the method of claim 10, further comprising, displaying the zero or more non-resident needed components of a particular one of the set of domains to a user of a project facility (Lubkin, 13:53 – 60, for display see helper node 15b, and command node 15a, also refer to FIG. 1, which shows monitor and mouse which represents the nodes which Examiner believes would inherently show displaying).

Regarding claim 19, which is the system version of claim 6, see rationale as previously discussed above.

Regarding claim 20, which is the system version of claim 7, see rationale as previously discussed above.

Regarding claim 21, which is the system version of claim 8, see rationale as previously discussed above.

Regarding claim 22, which is the system version of claim 9, see rationale as previously discussed above.

Regarding claim 23, which is the system version of claim 10, see rationale as previously discussed above.

Regarding claim 24, which is the system version of claim 11, see rationale as previously discussed above.

Regarding claim 25, which is the system version of claim 12, see rationale as previously discussed above.

Regarding claim 32, the method of claim 31, wherein for each of the set of domains in the domain link path, starting at the highest hierarchical level of the domain link path and traversing to the lowest hierarchical level, performing steps (1) to (5) of claim 28 for each of the set of domains (Yamasaki, FIG. 6).

Regarding claim 33, see reasoning in claim 10, which discloses similar limitations as claimed above.

Regarding claim 34, see reasoning in claim 11, which discloses similar limitations as claimed above.

Regarding claim 39, which is the system version of claim 6, see rationale as previously discussed above.

Regarding claim 40, which is the system version of claim 7, see rationale as previously discussed above.

Regarding claim 41, which is the system version of claim 8, see rationale as previously discussed above.

Regarding claim 42, which is the system version of claim 32, see rationale as previously discussed above.

Regarding claim 43, which is the system version of claim 10, see rationale as previously discussed above.

Regarding claim 44. The system of claim 43, wherein the project analysis utility removes the set of present components by displaying the set of present components of a particular one of the set of domains to a user of a project facility using a graphics user interface, and by allowing the user to remove one or more of the set of present components (Lubkin, 13: 8 – 10, see added or removed also see 13:53 – 60, for display see helper node 15b, and command node 15a, also refer to FIG. 1).

Claims 47 – 55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubkin et al. USPN 5,339,435 in view of England.

Lubkin discloses all the claimed limitations as applied in claim 1 above. Lubkin doesn't explicitly disclose an operating system protective domain, however Lubkin does disclose loading from the Operating system into a file server using a unique identifier (15: 50 – 65). England in an analogous art does however does teach boot domains with the verified operating system (14:5 – 15). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lubkin and England, because it would have made the system more secured.

Regarding claim 48, method of claim 1, England further discloses creating a bootable application including the domain (14:5 – 15).

Regarding claim 49, the method of claim 48, comprising loading the bootable application on a target processor (England 2:32 – 45).

Regarding claim 50, method of claim 1, Lubkin discloses all the claimed limitations as applied in claim 1 above. Lubkin doesn't explicitly disclose wherein the set of symbols includes an entry point for a second domain, however Lubkin does teach accessing foreign applications for needed files(13:40 – 60). England does teach this limitation in (England 2:45 – 55, see client computer and provider). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lubkin and England because, establishing an entry point for the second domain would enable more efficient accessing of components.

Regarding claim 51, method of claim 50, the second domain provides access to resources to a resource not directly accessible by the domain (England 2:45 – 55, see client computer and provider).

Regarding claim 52, see reasoning in claim 47.

Regarding claim 53, system of claim 13, a bootable application including the domain and all the needed components (England, FIG.2, 222)

Regarding claim 54, see reasoning in claim 50.

Regarding claim 55, see reasoning in claim 51.

Response to Arguments

8. Applicant's arguments filed 03/02/2005 have been fully considered but they are not persuasive.

Applicant argues on page 3, or response that Lubkin doesn't disclose "determining a set of symbols imported by the set of modules assigned to the domain" as recited in claim 1. Examiner disagrees, in Lubkin 12: 20 – 25, Lubkin shows the list may reside in different sets of build computers and hence if not found will looked for on another computer see 12:27 – 37.

Applicant argues on page 4 of response that Lubkin doesn't disclose "determining zero or more needed components to which the domains does not have access and at least one of provides the set of symbols imported by the set of modules, and specified as required by the set of present components".

Examiner believes the Lubkin does in fact disclose this limitation as claimed. Examiner would like to point out that claims still read rather broadly and Examiner can only interpret the claims in light of what is claimed and what is in the specification, but however cannot adopt definition of what is in the specification into the claims for sake of distinguishing the claims from the prior art. Examiner has interpreted providing symbols imported by the set of modules and determining the needed components to which there is no access too, as Lubkin's limitation of unauthorized access of user into the builder computer (13: 42 – 46) after making a selection of the builder list file which contains the needed components (13: 1 – 10), and a selection based on authorization validity is determined. Examiner would like to suggest that Applicant to possibly include domain

level and or hierarchy and a more concise definition of the symbols as used in Applicant's disclosure into claims language in order to properly distinguish it from Lubkin.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK

WEI Y. ZHEN
PRIMARY EXAMINER